

## **REMARKS**

### **Explanation of Specification Amendments**

Paragraphs [0063] and [0065] have been amended to replace references to FIG. 16 and FIG 17 with references to FIG 14 and FIG 15, respectively.

### **Explanation of Claim Amendments**

Claims 2 and 7 have been canceled.

Claims 1 and 4 have been amended to include the features of claim 2.

Claims 6, 9, 10, and 11 have been amended to include the features of claim 7.

Claim 12 has been amended to correct the preamble reference to claim 11.

Claims 13-16 have been added.

### **Section 112, First Paragraph, Rejection:**

In the Official Action, claims 11 and 12 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement for claiming subject matter described with respect to FIG 16, which is not present in the disclosure. As noted by the examiner, claims 11 and 12 refer to a digital mixer implementing a signal path selector which is described in the specification at Page 22, Line 2. The specification has been amended to refer to FIG 14 where the digital mixer 3a implementing a signal path selector is shown, thereby overcoming the rejection. Withdrawal of the rejection of claims 11 and 12 under 35 U.S.C. §112, first paragraph, is respectfully solicited.

### **Section 103 Rejections:**

In the Official Action, claims 1, 2, and 4-12 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Masayuki (Japanese Unexamined Patent Publication No. 11-215078) in view of Bailey et al. (5,909,180). Claim 3 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over Masayuki and Bailey et al. in view of Ogino et al. (6,100,792). These obvious rejections are respectfully traversed for the reasons given below.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (MPEP §2143.03). As noted above, the features

of claim 2 have been added to independent claims 1 and 4. On page 3 of the Official Action, the Examiner acknowledges that Masayuki does not teach “constantly monitoring the input select means and the output select means to determine whether any of the input means and any of the output means are selected for creation of a signal path therebetween.” Applicant further submits that Masayuki does not teach the storing and comparing steps now recited in claims 2 and 4. Applicant cannot find teachings of such features by Bailey either.

On page 5 of the Official Action, the Examiner acknowledges that Bailey does not teach storing the present status of the signal path. Applicant notes that Bailey also does not teach storing data indicative of whether or not the individual input means and the individual output means were selected *at a previous sampling moment* because in Bailey the circuit breaker history is stored for “for maintenance purposes” (Bailey, Column 5, Line 55) rather than for the purposes of *comparing, at each sampling moment*, the data stored at the current and the previous sampling moments. Furthermore Bailey teaches away from storing data indicative of whether or not the individual input means and the individual output means are selected *at a current sampling moment*, by stating “[p]referably, the memory does not store the present state of the circuit breakers, since their state may be regularly accessed from the circuit breakers 20 themselves” (Bailey, Column 5, Line 51).

As a result, Bailey and Masayuki, either in combination or separately, do not teach or suggest the following:

storing data indicative of whether or not the individual input means and the individual output means are selected at a current sampling moment;

storing data indicative of whether or not the individual input means and the individual output means were selected at a previous sampling moment;

comparing, at each sampling moment, the data stored at the current and the previous sampling moments in order to determine whether any of the input means and any of the output means are selected for creation of a signal path therebetween.

With respect to claim 3, the Examiner further cites Ogino for allegedly teaching “pressing push buttons concurrently so as to select a mode of operation” (Office Action page 6). Applicant submits that nothing in Ogino overcomes the shortcomings in the teachings of Bailey and Masayuki as noted above with respect to claim 1. Accordingly, independent

**DOCKET NO.:** TAK-0378  
**Application No.:** 10/034,830  
**Office Action Dated:** 04/06/2005

**PATENT**

claims 1 and 4 and all claims dependent thereon (including claim 3) are believed to be allowable over the art of record. Withdrawal of the rejection of these claims is also solicited.

As noted above the features of claim 7 (very similar to claim 2 except for apparatus claims) have been added to claims 6, 9, 10, and 11. As noted above with respect to claim 1, neither Masayuki nor Bailey teach a "control means" having "storing means" or "comparing means" as claimed. Accordingly, independent claims 6, 9, 10, and 11 and all claims dependent thereon are believed to be allowable over the art of record for the same reasons as set forth above with respect to claim 1. Withdrawal of the rejection of these claims is also solicited.

**Conclusion:**

Entry of the above amendments in view of the above remarks is believed to place the present application in condition for allowance. A Notice of Allowance is respectfully solicited.

Date: 07/29/2005



Michael P. Dunnam  
Registration No. 32,611

Woodcock Washburn LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439